



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-185-A)

In the Application of:

Townshend, et al. ) Art Unit: 2641  
Serial No. 10/087,651 ) Examiner: TBA  
Filed: March 1, 2002 )  
Title: A System for Measuring Intelligibility of )  
Spoken Language )

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Technology Center 2600

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97-1.98, and in accordance with the duty of candor set forth in 37 C.F.R. §1.56, applicant wishes to make the following references of record in the above-identified application. Copies of the references cited below are enclosed along with a copy of completed PTO Form-1449.

**I. U.S. Patent Application**

	<u>Serial No.</u>	<u>Filing Date</u>	<u>Author</u>
1.	09/311,617	05/13/99	Townshend

**II. United States Patents**

2. Scott, et al., United States Patent No. 4,468,204, issued August 28, 1984.
3. Lewis, et al., United States Patent No. 5,059,127, issued October 22, 1991.
4. Cohen, et al., United States Patent No. 5,268,990, issued December 7, 1993.

5. Sturner, et al., United States Patent No. 5,303,327, issued April 12, 1994.
6. Cohen, et al., United States Patent No. 5,581,655, issued December 3, 1996.
7. Rtischev et al., United States Patent No. 5,634,086, issued May 27, 1997.
8. Hou et al., United States Patent No. 5,729,658, issued March 17, 1998.
9. Beard, et al., United States Patent No. 5,857,173, issued January 5, 1999.
10. Bernstein, United States Patent No. 5,870,709, issued February 9, 1999.
11. Hura, United States Patent No. 6,026,361, issued February 15, 2000.
12. Bernstein, United States Patent No. 6,157,913, issued December 5, 2000.

**III. Foreign Documents**

13. Rtischev, et al., WO 94/20952, published September 15, 1994.
14. Neumeyer, et al., WO 98/14934, published April 9, 1998.

**IV. Other Documents**

15. Advance Learning Technologies, 2000. Koun-Ten-Sun, "An effective item selection method for educational measurement." Pages 105-106.

**V. Discussion**

Applicant submits that these documents, whether taken alone or in combination, fail to show or suggest the claimed subject matter. Applicant requests that the Examiner consider the entirety of each document and make them of record in this application. Applicant's submission of these documents for consideration is not to be construed as an admission that the documents qualify as prior art to the claimed subject matter, a representation that a search has been made, nor as an admission that the information is considered to be material to patentability.

**McDonnell, Boehnen, Hulbert & Berghoff**  
300 S. Wacker Drive, Suite 3200  
Chicago, IL 60606  
312-913-0001

This Information Disclosure Statement is being filed:

- within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but before the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
  - the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

**OR**

- the fee of \$240 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

**CERTIFICATION**

- The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

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312-913-0001

FEES



No fee is owed by the applicant(s).



The IDS Fee of \$240.00 under 37 C.F.R. § 1.17(p) is enclosed herewith.

METHOD OF PAYMENT OF FEES



Attached is a check in the amount of \$240.00.



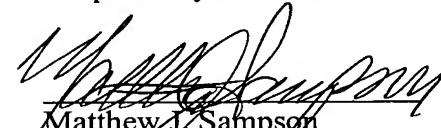
Charge Deposit Account No. 13-2490 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490.

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence and all attached paper(s) or fee(s) is being deposited with the United States Postal Service, with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 17<sup>th</sup> day of May, 2002

Respectfully Submitted,

By:



Matthew J. Sampson

Reg. No. 35,999

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Date: May 17, 2002

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#4  
GP2641

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**TRANSMITTAL LETTER**

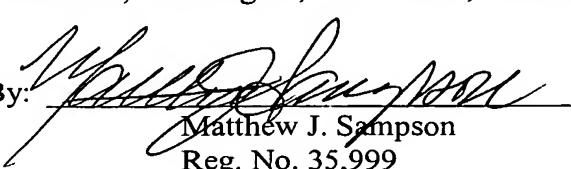
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In regard to the above-identified patent application:

1. We are transmitting herewith the attached:
  - A. Information Disclosure Statement;
  - B. Information Disclosure Statement (IDS) PTO-1449 Form;
  - C. Copies of IDS Citations (1 U.S. Patent Application, 11 U.S. Patents, 2 Foreign Patents, and 1 reference); and
  - D. Return Receipt Postcard.
2. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayments to the Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
3. CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service, with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 17<sup>th</sup> day of May, 2002.

Dated: May 17, 2002

By:   
Matthew J. Sampson  
Reg. No. 35,999